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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/307,485 05/10/99 CHIN

S LNC314/97

EXAMINER

TM02/0328

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ART UNIT

PAPER NUMBER

2164

DATE MAILED:

03/28/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/307,485

Applicant(s)

CHIN, STEPHEN

Examiner

Jeffrey C Pwu

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 5/10/1999 application.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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*DETAILED ACTION*

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by *Mersky et al.* (US 6,119,106)

*Mersky* teaches a method of purchasing a money order via the internet (col.11, lines 15-25; claims 12 and 15), comprising the steps of:

providing a money order system capable of generating money orders;

contacting the money order system via the internet by a user desiring to purchase a money order in a predefined amount;

transmitting information to the money order system via the internet required to purchase the money order, the information including user's identification, an intended receiver identification, and financial amount of the money order;

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generating a money order from the system upon receipt of the transmitted information;

sending the generated money order to the intended receiver;

generating an e-mail message to at least one of the user or intended receiver of the money order that the money has been sent to the intended receiver (col.3, lines 9-34);

transmitting credit card information associated with the user and electronically processing the credit card information to make available funds needed for the purchase of the money order by the user (col.2, lines 12-16; col.12, line 17);and

electronically deducting a predetermined amount of funds from the account in accordance with the amount of funds required to generate the user purchased money order (col. 11, lines 15-30 and col.12, line 15-23).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Mersky* in view of *Barzilai et al.* (6,012,045).

*Mersky* further teaches a method of purchasing a money order via the internet for the purchase of goods from any internet-based transactions substantially as claimed (see abstract; col.2, line 12-43; claim 1-28) including:

contacting an internet site for the money order system via the internet by the buyer after the bid is awarded to the buyer;

transmitting information to the money order system via the internet by the buyer to purchase the money order for the sale;

generating a money order upon receipt of the transmitted information from the buyer (claims 12-14);

delivering from money order system the money order to the seller; and

delivering the goods from the seller to buyer after money order being generated.

*Mersky* fails to teach an auction transaction which awards a bid to a buyer for goods purchased from a seller via an internet auction site.

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*Barzilai* is applied for showing that it is conventional to perform electronic payment on online bidding, sales, and auctions over the internet (see claims 1, 15 and 20).

In view of *Barzilai*, it would have been obvious to a person having ordinary skill in the art to perform an online auction to use *Mersky's* money order system for a secure business transaction and efficient processing of payments.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Jeffrey Pwu, whose telephone number is (703) 308-7835.

*Jeffrey Pwu*

*Mar 23, 2001*



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